



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.
08/822,170	03/21/97	MILLS	241372-012

IM51/0603

DANIEL A MONACO - JUDGE OF RECORDS SET TO EXPIRE
SEIDEL GONDA FLAVORONA AND MONACO
1800 TWO PENN CENTER
PHILADELPHIA PA 19102

EXAMINER	
LANGE, W	
ART UNIT	PAPER NUMBER
1754	5

DATE MAILED:

06/03/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Disposition of Claims

Commissioner of Patents and Trademarks

Claim(s) 1-51 is/are relied
Of the above claim(s), 1-51 is/are relied
Claim(s) 1-51 is/are relied
Claim(s) 1-51 is/are relied
Claim(s) 1-51 is/are relied
Claim(s) 1-51 is/are relied

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-945.
The proposed drawing correction, filed on, _____ is/are approved / disapproved.
The drawing(s) filed on, _____ is/are objected to by the Examiner.
The specification is objected to by the Examiner.
The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
All / Some / None of the CERTIFIED copies of the priority documents have been received.
received in Application No. (Series Code/Serial Number) _____
received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received.

Attachment(s)

Information Disclosure Statement(s) PTO-1449, Paper No(s) _____
Notice of References Cited, PTO-892
Notice of Informal Patent Application, PTO-152
Notice of Draftsperson's Patent Drawing Review, PTO-945
Other _____

Office Action Summary

Office Action Summary

Application No.

822170

Applicant(s)

Mills et al

Examiner

Langel

Group Art Unit

1754

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-51 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-51 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1754

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-37, drawn to a cell including means for causing hydrogen to undergo a transition to an energy state lower than $n=1$, classified in class 429, subclass 129.
- II. Claims 38-51, drawn to a method for extracting energy from hydrogen atoms, classified in class 423, subclass 648.1.

The inventions are distinct, each from the other because:

Inventions I and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another and materially different apparatus, such as one which does not include a vessel capable of containing a vacuum or pressures greater than atmospheric.

~~NEED FORM # NOT ON MY SYSTEM 08-21)~~

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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Any inquiry concerning this communication should be directed to Wayne A. Langel at telephone number (703) 308-0248.

Langel/maj

May 30, 1998

Wayne A. Langel
WAYNE LANGEL
PRIMARY EXAMINER
GROUP 110